

EXHIBIT 2

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12 *Attorneys for Defendants*

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 REARDEN LLC and REARDEN MOVA
18 LLC,

19 Plaintiffs,

20 vs.

21 THE WALT DISNEY COMPANY, a
Delaware corporation, WALT DISNEY
22 MOTION PICTURES GROUP, INC., a
California corporation, BUENA VISTA
HOME ENTERTAINMENT, INC. a
23 California corporation, MARVEL STUDIOS,
LLC, a Delaware limited liability company,
24 MANDEVILLE FILMS, INC., a California
corporation,

25 Defendants.
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Case No. 3:17-cv-04006-JST

**DEFENDANT MARVEL STUDIO, LLC'S
OBJECTIONS AND RESPONSES TO
PLAINTIFFS' SECOND
INTERROGATORIES**

1 Defendant Marvel Studios, LLC (“Defendant” or “Marvel”) hereby responds and objects to
 2 the Second Interrogatories (“Interrogatories”) propounded on August 1, 2019, by Plaintiffs
 3 Rearden LLC and Rearden MOVA LLC (jointly, “Plaintiffs”) as follows:

4 **PRELIMINARY STATEMENT**

5 Defendant has not yet completed its investigation relating to this action, has not completed
 6 discovery in this action, and has not completed preparation for trial. The following responses are
 7 based on Defendant’s knowledge, information, and belief at this time, and were prepared based on
 8 its good faith interpretation and understanding of the individual Interrogatories and are subject to
 9 correction for inadvertent errors or omissions, if any. These responses are given without prejudice
 10 to subsequent revisions or supplementation based upon any information, evidence, and
 11 documentation that hereafter may be discovered, but Defendant assumes no obligation to
 12 supplement or amend voluntarily these responses to reflect information, evidence, documents, or
 13 things discovered following service of these responses. Defendant reserves the right to refer to, to
 14 conduct discovery with reference to, or to offer into evidence at the time of trial, any and all facts,
 15 evidence, documents, and things developed during the course of discovery and trial preparation,
 16 notwithstanding the reference to facts, evidence, documents, and things in these responses.

17 **GENERAL OBJECTION**

18 Defendant objects to each of the Interrogatories to the extent it seeks information protected
 19 by the attorney-client privilege, the attorney work-product doctrine, or any other privilege or
 20 protection from disclosure. Nothing in these responses is intended to or should be construed as a
 21 waiver of the attorney-client privilege, the attorney-work product doctrine, or any other privilege
 22 or protection.

23 **OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS**

24 1. Defendant objects to Plaintiffs’ “Instructions” and “Definitions” to the extent they
 25 purport to impose duties and obligations in addition to, or inconsistent with, those imposed by the
 26 Federal Rules of Civil Procedure, the Local Rules or Individual Practices of this Court, or the
 27 Court’s Orders in this case.

1 2. Defendant objects to the definition of “IDENTIFY,” and to each Interrogatory
2 containing this term, to the extent they purport to impose duties and obligations in addition to, or
3 inconsistent with, those imposed by the Federal Rules of Civil Procedure, the Local Rules or
4 Individual Practices of this Court, or the Court’s Orders in this case. Defendant construes this
5 term to mean to provide an entity’s full legal name, or to provide an individual’s full name and
6 employer.

7 3. Defendant objects to the definitions of “MARVEL,” “YOU,” and “YOUR,” and to
8 each Interrogatory containing these terms, on the grounds that they are vague, ambiguous, overly
9 broad, and unduly burdensome. Defendant construes these terms to refer to Marvel.

10 **SPECIFIC RESPONSES AND OBJECTIONS**

11 **INTERROGATORY NO. 1:**

12 IDENTIFY the ENTITY that controls physical document repositories of MARVEL
13 documents relating to the ACCUSED FILMS, and for each identify the custodian.

14 **RESPONSE:**

15 Defendant incorporates in full its General Objection and its Objections to Instructions and
16 Definitions.

17 Defendant further objects on the ground that the request seeks information already in
18 Plaintiffs’ possession, including information provided during Defendant’s 30(b)(6) deposition.
19 Defendant further objects to this Interrogatory to the extent that it assumes facts that are either
20 incorrect or unknown to Defendant and is vague and ambiguous.

21 Based on the above objections, and the meet and confer between counsel for the parties,
22 Defendant interprets this Interrogatory to ask Defendant to identify which entity would search for
23 physical documents in the control of Marvel Studios, LLC.

24 Subject to that interpretation, and without waiving its objections, Defendant responds as
25 follows:

26 Marvel Studios, LLC
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1 **INTERROGATORY NO. 2:**

2 Identify all employees and/or independent contractors who worked for MARVEL on visual
3 effects for the Thanos character in *Guardians of the Galaxy*, including but not limited to persons
4 who approved the appearance of the Thanos character.

5 **RESPONSE:**

6 Defendant incorporates in full its General Objection and its Objections to Instructions and
7 Definitions.

8 Defendant further objects to this Interrogatory to the extent that it seeks information that is
9 not relevant to the claims or defenses in this case or to identifying potential custodians, including
10 because it seeks, on its face, the identities of individuals who are not employees of Defendant; is
11 overbroad and unduly burdensome in that it is not reasonably limited in scope or requires
12 Defendant to make an investigation that is not proportional to the needs of this case; assumes facts
13 that are either incorrect or unknown to Defendant and is vague and ambiguous, including in its use
14 of the undefined phrase “worked on.”

15 Based on the above objections, and pursuant to the Magistrate Judge’s instruction,
16 Defendant interprets this Interrogatory to seek the identities of Defendant’s and Defendant’s
17 subsidiaries’ current or former employees who worked with Digital Domain on MOVA facial
18 capture for the Thanos character in *Guardians of the Galaxy*.

19 Subject to that interpretation, and without waiving its objections, Defendant responds as
20 follows:

21 Victoria Alonso, Marvel Studios, LLC; Jonathan Schwartz, Marvel Studios, LLC

22 **INTERROGATORY NO. 3:**

23 Identify all employees and/or independent contractors who worked for MARVEL on visual
24 effects for the Thanos character in *Avengers: Age of Ultron*, including but not limited to persons
25 who approved the appearance of the Thanos character.

26 **RESPONSE:**

27 Defendant incorporates in full its General Objection and its Objections to Instructions and
28 Definitions.

1 Defendant further objects to this Interrogatory to the extent that it seeks information that is
2 not relevant identifying potential custodians, including because it seeks, on its face, the identities
3 of individuals who are not employees of Defendant; is overbroad and unduly burdensome in that it
4 is not reasonably limited in scope or requires Defendant to make an investigation that is not
5 proportional to the needs of this case; assumes facts that are either incorrect or unknown to
6 Defendants and is vague and ambiguous, including in its use of the undefined phrase “worked on.”

7 Based on the above objections, and pursuant to the Magistrate Judge’s instruction,
8 Defendant interprets this Interrogatory to seek the identities of Defendant’s and Defendant’s
9 subsidiaries’ current or former employees who worked with Digital Domain on MOVA facial
10 capture for the Thanos character in *Avengers: Age of Ultron*.

11 Subject to that interpretation, and without waiving its objections, Defendant responds as
12 follows:

13 Victoria Alonso, Marvel Studios, LLC

14 DATED: October 2, 2019

MUNGER, TOLLES & OLSON LLP

16 By: /s/ Kelly M. Klaus

17 KELLY M. KLAUS

18 Attorneys for Defendants
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